

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22292 of 2004

Between:

M/s Manjira Agricultural Company, a regd firm vide Regn No. 10/96 rep. by its
Managing partner G.Satyanarayana
S/o.ramulu 55 years R/o.38, MIG Railway Vihar, Serilingampally Mandal,
R.R.District. **PETITIONER**

AND

- 1 The Joint Collector, Medak District, Sangareddy.
- 2 The Revenue Divisional Officer Sangareddy Revenue Division, Patancheru
Medak District.
- 3 Mandal Revenue Officer Patancheruvu Mandal, Medak District.
- 4 Bioni Sathaiah S/o.Venkaiah
R/o.Narregudem H/o.Ameenpur Patancheru Mandal Medak District.
- 5 Bioni Peddulu S/o.Venkaiah
R/o.Narregudem H/o.Ameenpur Patancheru Mandal Medak District.
- 6 Bioni Mallesh S/o.Venkaiah
R/o.Narregudem H/o.Ameenpur Patancheru Mandal Medak District.
- 7 Bioni Balraj S/o.Sathaiah
R/o.Narregudem H/o.Ameenpur Patancheru Mandal Medak District.

.RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction one more particularly in the nature of a writ of Mandamus declaring the action of the 2nd respondent in issuing Memo No.A3/2138/2004 dt.30.11.2004 as being illegal, arbitrary and unconstitutional and contrary to the provisions of A.P.Rights in Land and Pattedar Pass Books Act 1971 and further declare the in action of the 1st respondent in failing to exercise the revisionary powers under Section 9of the Act and in failing to consider the application for stay expeditiously as being arbitrary, illegal and unconstitutional and consequently set aside the proceedings of the 2nd respondent inMemo No.A3/2138/2004 dated 30.11.2004 and pass.

Counsel for the Petitioner:MR.S.NIRANJAN REDDY

Counsel for the Respondent Nos 1 to 3 .: GP FOR REVENUE

Counsel for respondents 4 to 7 : Mr.G.Shiva Kumar Goud

The Court at the stage of admission made the following :

ORDER:

The petitioner claims to have purchased land in Survey No. 970 admeasuring about Ac.14-08 guntas , Beeramguda, Ameenpur village, Patancheru Mandal, Medak district under a registered sale deed dated 4-3-1997 and in possession and enjoyment of the same since then. Thereafter, the petitioner made an application to the second respondent and got his name mutated in the records by order dated 22-6-1998. The petitioner alleges that respondents 4 to 7 who are legal representatives of original pattedar, tried to interfere with his possession over the subject land, and he filed a suit in O.S.No.209 of 1999 on the file of the Principal Junior Civil Judge, Sanga Reddy and the same dismissed in respect of Survey No. 970, against which petitioner preferred an appeal in A.S.No.35 of 2004 and thereafter also filed a Second Appeal in S.A.784 of 2004 and stated to have obtained an order to maintain status quo by order dated 15-7-2004 in C.M.P.No.11738 of 2004. It is also stated that the respondents 4 to 7 also filed appeal before the third respondent challenging the mutation order dated 22-6-1998 and obtained an order of stay of operation of the mutation till 31-12-2004. Questioning the maintainability of the said appeal, the petitioner has filed W.P.17951 of 2004 and the same was allowed by order dated 16-11-2004 directing the second respondent to consider the main appeal including the maintainability of appeal after limitation period and directed to maintain status quo. Thereafter the second respondent passed an order dated 30-11-2004 allowing the appeal filed by the respondents 4 to 7. Questioning the said order, the petitioner filed a revision before the Joint Collector on 1-12-2004 and approached this Court by filing the present writ petition on 2-12-2004.

Heard learned counsel for petitioner, learned counsel for respondents 4 to 7 and learned Government Pleader for Revenue. All the counsel, agreed for disposal of the writ petition at the stage of admission.

The petitioner having filed a revision before the Joint Collector on 1-12-2004, without waiting for consideration of the said revision, sought to file the present writ petition on 2-12-2004. Having filed a revision, he ought to have pursued the same, instead of filing the present writ petition in a post haste manner.

Since, the revision filed by the petitioner is pending consideration before the Joint Collector, I deem it appropriate to dispose of the writ petition with a direction to the first respondent/Joint Collector to consider the Revision Petition filed by the petitioner on 1-12-2004 and pass appropriate orders on the interim application expeditiously, preferably within a period of two weeks from the date of receipt of copy of this order. Till then there shall be stay of all further proceedings.

Accordingly, the writ petition is disposed of. No costs.

_____ N.V.RAMANA,J

3-12-2004

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Joint Collector, Medak District, Sangareddy.
- 2 The Revenue Divisional Officer Sangareddy Revenue Division, Patancheru Medak District.
- 3 Mandal Revenue Officer Patancheruvu Mandal, Medak District.
- 4.. 2 CCS to G.P. for Revenue, High Court Buildings Hyderabad (OUT)
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